IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 3253 of 2007(S)

OS.8/2006 of WAKF TRIBUNAL, KOZHIKODE
.....

PETITIONER:

KOYAMBRATH MUHAMMED, AGED 71 YEARS,
S/O. ABDURAHIMAN HAJEE, KOYAMBRATH HOUSE,
P.O.MALAYAMMA, CHATHAMANGALAM AMSOM,
PULLANOOR DESOM, KOZHIKODE.

BY ADV. SRI.T.R.RAVI
SRI.P.S.MURALI

RESPONDENTS:
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1. POOLAKKAL ABDULLA, AGED 46 YEARS,
S/O. AYAMMED KUTTY HAJEE, POOLAKKAL HOUSE,
P.O.KARUVAMBOYIL, KOZHIKODE DISTRICT.

2. WAKF TRIBUNAL,
KOZHIKODE.

BY ADV. SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD
SRI.K.M.FIROZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.3253/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE EXTRACT OF REGISTER KEPT BY THE WAKF BOARD.

EXT.P2. COPY OF I.A.89/2007 IN O.S.8/06 ON THE FILE OF THE WAKF TRIBUNAL.

EXT.P3. COPY OF THE ORDER DATED 22-1-07 OF THE WAKF TRIBUNAL, KOZHIKODE

EXT.P4. COPY OF THE ORDER IN I.A.88/07.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

W.P(C)No. 3253 of 2007

Dated this the 10th day of August, 2007

JUDGMENT

Kurian Joseph,J.

Petitioner is aggrieved by Exts.P3 and P4 orders whereby the Wakf Tribunal, Kozhikode refused to reopen the evidence after calling for the register of Wakfs. After having heard counsel on both sides we are of the view that the register has to be called for along with the certified copy of the extract of the register maintained under Section 37 of the Wakf Act. We set aside the impugned orders. There will be a direction to the Wakf Tribunal, Kozhikode to call for the Wakf register with a further direction to produce also a certified copy of the Wakf register under dispute, so that the said certified copy will form part of the records. This shall be done within a period of one month from the date of production of a copy of the judgment and thereafter the suit shall be disposed of within a period of another four months. It is made clear that the Wakf Tribunal shall insist the impleadment of the Wakf Board.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.